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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,349	09/24/2003	Peter L. Bergh	014607.1	2348
62616 7590 03/20/2007 MOORE AND VAN ALLEN PLLC FOR BOEING 430 DAVIS DRIVE SUITE 500 MORRISVILLE, NC 27560			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/605,349		BERGH ET AL.	
	Examiner		Art Unit	
	Venkat Perungavoor		2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-141 is/are pending in the application.
- 4a) Of the above claim(s) 115-131 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-114 and 132-141 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

The inventions are distinct, each from the other because:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 115-131, drawn to a method to deter unauthorized access, classified in class 726, subclass 28.
- II. Claim 1-114,132-141, drawn to a method of presentation integrity, classified in class 726, subclass 28.

Inventions stated in Groups I-II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention relating to each of the methods for deter unauthorized access can be used separately with a different v subcombination. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed(37 CFR 1.143).

A telephone call was made to Attorney for the Applicants Mr. Charles Moore on 3/9/2007 to request an oral election to the above restriction requirement, resulted in an election of Group II being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment to inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

The Examiner acknowledges the drawings filed on 9/24/2003. And has no objections to the figures present.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4, 8-26, 30-39, 62-72, 132-141 are rejected under 35 USC § 101 as they recite a software program per se which is non-statutory subject matter. See MPEP 2106, IV, B, 1(a). See Specifications Par. 0020-0022, which disclose software only, and Par. 004, which discloses an medium signal.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-14, 34-36, 73-76, 78-85 are rejected under 35 U.S.C. 102(e) based on foreign priority as being anticipated by US Patent Publication 2004/0225891 to Kang et al. (hereinafter Kang).

Regarding Claim 1, 62, 132, 138, Kang discloses the encrypting of header(formatting data) associated with the content data see Fig. 19 item S250 & S260; formatter to decrypt the encrypted format data and format content data in predetermined format based on decrypted formatting data see Par. 0087.

Regarding Claim 2, 22, 41, Kang discloses the plurality of format decoders being present to decode the format and to authorize the user see Fig. 9 item 31 & Par. 0090-0091.

Regarding Claim 3, 23, Kang discloses the format field containing a indicator of the type of format and a key generation algorithm field containing the key to decrypt the header see Par. 0096.

Regarding Claim 4, 26, Kang discloses the temporary validation keys to be used for encryption/decryption assigned to different copies of data see par. 0068.

Regarding Claim 5, Kang discloses the output the present data in predetermined format see Fig. 2 item 10.

Regarding Claim 6-7, 81, 27, 60, 81, Kang discloses the output device being a display and printer see Fig. 22(microcomputer generally includes an printer). Further, an MPEG decoder(i.e. media player) connected to the computer see Fig. 22 item 350.

Regarding Claim 8, 10, 12, 14, 35-36, 76, 78-80, 83-84, 32-33, 45-46, 52-53, 56, 59, 63-65, 67-70, 76, 78-80, 93, 103-107, 109, 112-114, 135,137, 139, 141, Kang discloses the validation keys being used to decrypt the content see Fig. 6 item 103 and further to decrypt the header see Fig. 6 item 112. Further the keys being temporary in nature see Fig. 20 item S310.

Regarding Claim 9, 31, Kang discloses the user key being used to decrypt header and data see Fig. 20 item S320, S330.

Regarding Claim 11, 49, Kang discloses the encrypter for encrypting see Fig. 18 item S140.

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Regarding Claim 21, 55, Kang discloses the formatter to decrypt the encrypted format data and format content data in predetermined format based on decrypted formatting data see Par. 0087;

Kang discloses the output the present data in predetermined format see Fig. 2 item 10.

Regarding Claim 24-25, 57-58, 66, 75-77, 102, 110, 134, 136, 140, Kang discloses the versions and authorization at the PC for each user being embedded in the header see Fig. 14& Fig. 15.

Regarding Claim 34, Kang discloses the encrypter to encrypting the metadata(i.e. header) associated with content data see Fig. 19 item S260; decrypter to decrypt the formatting data see Fig. 23B item S555; a formatter to format the content data based on the decrypted metadata see Par. 0087.

Regarding Claim 40, 90, Kang discloses the encrypter to encrypt the data and the header see Fig. 18 item S140 & Fig. 19 item S260; broker to transmit the encrypted information to client see Fig. 2 item 12; formatter to decrypt the encrypted format data and format content data in predetermined format based on decrypted formatting data see Par. 0087; browser to present information in predetermined format see Par. 0053 & Par. 0056.

Regarding Claim 47, 54, Kang discloses the buffer and storage device see Fig. 22 item 300; broker to transmit the encrypted information to client see Fig. 2 item 12.

Regarding Claim 48, 100, Kang discloses the encrypter to encrypting the metadata(i.e. header) associated with content data see Fig. 19 item S260; broker to transmit the encrypted information to client see Fig. 2 item 12.

Regarding Claim 71, Kang discloses the authorization of user see Par. 0108.

Regarding Claim 71, Kang discloses the DVD watermarking see Par. 0053.

Regarding Claim 73, Kang discloses the decrypting the encrypted header data see Fig. 23 B item S555; formatting the associated content data in predetermined format based on decrypted header data see Par. 0089-0091.

Regarding Claim 74, 90, 101,134, Kang discloses the defined formatting of many types see Fig.13- Fig.17.

Regarding Claim 75, Kang discloses the user authorization being encoded into the header, further this information is used to decrypt the content data see Fig. 19 item S240.

Regarding Claim 82, Kang discloses the decrypting of content see Fig. 23 B item S570.

Regarding Claim 85, Kang discloses the header being updated and accounting for these changes see Fig. 23 B item S565.

Regarding Claim 92,94 Kang discloses user authorization information in addition to the user supplied data see Par. 0135 & Par. 0088.

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Regarding Claim 108, Kang discloses the decrypter to decrypt the formatting data see Fig. 23B item S555; a formatter to format the content data based on the decrypted metadata see Par. 0087.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-20,37-39,50-51, 61, 86-89, 95-99, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0225891 to Kang et al.(hereinafter Kang) in view of US Patent Publication 2003/0229529 to Mui et al.(hereinafter Mui).

Regarding Claim 15-20, 37-39, 50-51, 61, 86-89, 95-99, Kang does not explicitly disclose the XSLT being used to produce an HTML, web browser see Fig. 8A item "HTML", "XSL/XSLT". It would be obvious to one having ordinary skill in the art at the time of the invention to include the XSLT being used to produce an HTML, web browser in the invention of Kang in order to make it adaptable across many platforms as taught in Mui see Par. 0216.

Claims 77,111, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0225891 to Kang et al.(hereinafter Kang) in view of US Patent Publication 2002/0099947 to Evans.

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Regarding Claim 77, Kang does not disclose the audio-visual or combination of audio-visual.

However, Evans discloses audio, visual, and audio-visual see Fig. 1 item 16 & Par. 0002 & Par. 0041-0043. It would be obvious to one having ordinary skill in the art at the time of the invention to include audio, visual, and combination of audio-visual in the invention of Kang in order to have a unique user experience see Par. 0049.

Claims 28-30, 42-44, is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2004/0225891 to Kang et al. (hereinafter Kang) in view of US Patent 5815809 to Ward et al. (hereinafter Ward).

Regarding Claim 28-30, 42-44, Kang does not disclose the formatter being included in a vehicle and further of communications involving satellite and ground communications. However, Ward discloses the formatter in a vehicle and communication involving satellite and ground communications see Fig. 1. It would be obvious to one having ordinary skill in the art at the time of the invention to include the formatter in a vehicle and communication involving satellite and ground communications in the invention of Kang in order to service a roaming user as taught in Col 1 Ln 50-56.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Notice of Reference Cited

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can


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normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VP

3/12/2007

Venkat Perungavoor
Examiner
Art Unit 2132


Benjamin E. Lanier
Examiner AU 2132